IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 795 of 2006 (M/B)

1. Sri Praveen Bhardwaj S/o Sri Jai Pal Singh
   R/o 20, Dila Ram Bazar,
   Police Station Dalanwala, Rajpur Road,
   District Dehradun.
2. Sri Tejinder Singh S/o Late Sri Kartar Singh,
   R/o 101 D.L. Road,
   Police Station Dalanwala,
   Dehradun. ..... Petitioners

Versus

1. State of Uttaranchal,
   through Secretary (Home),
   Govt. of Uttaranchal, Civil Secretariat,
   Dehradun.
2. Station House Officer,
   Police Station Dalanwala,
   District Dehradun, Uttaranchal.
3. Smt. Devender Kaur W/o Late Sri Surinder Singh,
   R/o 20 Dila Ram Bazar,
   P.S. Dalanwala, Dehradun,
   Uttaranchal. ..... Respondents

Mr. Kishore Kumar, Advocate on behalf of Mr. R.K. Sharma, Advocate for the petitioners.
Mr. D.K. Sharma, Government Advocate for respondents Nos. 1 & 2.
None for respondent No. 3.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Kishore Kumar, Advocate on behalf of Mr. R.K. Sharma, Advocate for the petitioners.

Mr. D.K. Sharma, Government Advocate for respondents Nos. 1 & 2.

None for respondent No. 3.

They are heard on admission.

2. Petitioners Praveen Bhardwaj and Tejinder Singh have filed this writ petition for the following reliefs:

> "(i) Issue a writ, order or direction in the nature of certiorari quashing the F.I.R. dated 29.06.2006 of crime case No. 198/06 under section 420, 467, 468, 471, 457, 380 I.P.C. Police Station Dalanwala, Dehradun, District Dehradun, lodged against the petitioners by Respondent no. 3.
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> (ii) To issue a writ, order or direction in the nature of mandamus commanding respondent nos. 1 and 2 not to arrest the petitioners till the disposal of this writ petition.
>
> (iii) Issue a writ, order or direction in the nature for which this Hon'ble Court may deem fit and proper under the circumstances of the case.
>
> (iv) Award the cost of writ petition to the petitioners."

3. The petitioners are apprehending their arrest for their alleged involvement in Crime No. 198 of 2006 registered at Police Station Khatima, District Udham Singh Nagar for the alleged commission of the offences punishable under Sections 380, 420, 457, 467, 468 and 471 of the I.P.C.

4. According to the First Information Report lodged by respondent No. 3 Smt. Devender Kaur, the accused persons are alleged to have demolished the wall in between the complainant's shop and that of petitioner No. 2 Tejinder Singh and forcibly occupied her shop. The accused persons are further alleged to have stolen the articles kept in that shop.

5. On due consideration of the submissions of the learned counsel for the parties; the serious nature of the allegations against petitioners Praveen Bhardwaj and Tejinder and the high handed manner in which the petitioners are alleged to have dispossessed complainant Smt. Devender Kaur from her shop, we are of the opinion that it is not a fit case for grant of any of the reliefs sought by the petitioners in the writ petition.

6. The writ petition, therefore, is liable to be dismissed and is, hereby, dismissed summarily.

7. With the above order, CLMA No. 8335 of 2006 also stands dismissed.

(Prafulla C. Pant, J.) 06.07.2006

(Rajeev Gupta, C. J.) 06.07.2006

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